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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,950	02/26/2002	David Chaohua Wu	13587US01	5019
23446	7590	11/15/2006	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			PENDLETON, BRIAN T	
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400				2615
CHICAGO, IL 60661				

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,950	WU ET AL.	
	Examiner	Art Unit	
	Brian T. Pendleton	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 11-20 is/are allowed.
 6) Claim(s) 1-5 is/are rejected.
 7) Claim(s) 6-10 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 June 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 8/25/06 have been fully considered but they are not persuasive. Applicant alleges that Lin does not disclose a filter with a fixed set of coefficients. Examiner disagrees with that characterization of the reference. Lin does not teach that the coefficients of filter 14 are variable. Instead the relationship between the number of coefficients and the sample rate conversion factor is illustrated, specifically that the filter needs $P*L$ coefficients for a conversion rate of Q/P . There is no disclosure that the number of coefficients is variable. In addition, Applicant alleges Hodges discloses a filter with a variable number of coefficients. Column 5 lines 58-60 only suggest that the number of coefficients may be selected to alter its characteristics. This statement does not explicitly state that a variable number of coefficients. In fact, the reference mentions "various embodiments" prior to the statement implying to one of ordinary skill in the art that various types of filters, including fixed and variable coefficient filters, can be used. The rejection is thus maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin. Lin discloses a sample rate converter comprising upsampler 12, low pass filter 14, and downampler

16 in figure 1. As shown in figure 2, there exists several ratios of Q/P which have a lower down sampling factor than up-sampling factor. Claims 1 and 3 are met.

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hodges. Hodges discloses a variable sample rate converter 110 which is shown in detail in figure 3. The converter comprises upsampler 302, FIR low pass filter 304, and downsample 306 which is controlled by a control signal from conversion ratio controller 114. As taught in column 5 line 64 – column 6 line 11, the downsampling factor can be a non-integer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Paulos et al. Lin does not explicitly disclose that the downsample includes a linear interpolator. Paulos et al teach a downsample containing a linear interpolator. It was a conventional practice to use such downsamplers, as evidenced by Paulos et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement the downsample in Lin as a linear interpolator since it was common practice.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin. Lin does not disclose that the low pass filter has a cutoff frequency no greater than divided by the up-sampling factor. Lin discloses in a preferred embodiment that the L-tap filter 22 has a cutoff frequency of

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divided by the up-sampling factor P1 (see column 5 line 66 – column 6 line 5). It would have been obvious to one of ordinary skill in the art at the time of invention to apply that teaching to the conventional system of figure 1 for the purpose of improving the efficiency of the system.

Allowable Subject Matter

Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-20 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. Pendleton
Primary Examiner
Art Unit 2615



btp